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PATENT  
ATTORNEY DOCKET NO. 005127.00216

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
Michael A. Aveni ) Confirmation No.: 1319  
Serial No.: 10/719,668 )  
Examiner: M. Patterson  
Filed: November 21, 2003 ) Art Unit: 3728  
)  
Title: FOOTWEAR WITH A HEEL PLATE  
ASSEMBLY

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Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PRELIMINARY AMENDMENT AND RESPONSE TO OFFICE ACTION**

In response to the Office Action mailed September 8, 2005, please enter the following amendments and consider the following remarks:

**Amendments to the Claims** are reflected in the listing of claims that begins on page 2 of this paper.

**Remarks** begin on page 13 of this paper.

**Certificate of Facsimile Transmission**

The undersigned hereby certifies that this paper has been transmitted via facsimile to facsimile no 571-273-8300 on 12/08/05.

Brigid Laffey  
Brigid Laffey